

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. NO.: 2859-03
BILL NO.: HCS for HB 1677, 1675, and 1676
SUBJECT: Makes Various Changes to Domestic Violence Statutes
TYPE: Original
DATE: February 21, 2000

FISCAL SUMMARY

ESTIMATED NET EFFECT ON STATE FUNDS			
FUND AFFECTED	FY 2001	FY 2002	FY 2003
General Revenue	Exceeds (\$315,413)	Exceeds (\$356,331)	Exceeds (\$360,302)
Total Estimated Net Effect on <u>All</u> State Funds	Exceeds (\$315,413)	Exceeds (\$356,331)	Exceeds (\$360,302)

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2001	FY 2002	FY 2003
None			
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2001	FY 2002	FY 2003
Local Government	Exceeds (\$200,000)	Exceeds (\$200,000)	Exceeds (\$200,000)

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 10 pages.

FISCAL ANALYSIS

ASSUMPTION

Domestic Violence Changes

Officials from the **Department of Health, Department of Insurance, Office of Prosecution Services** assume that this proposal will not fiscally affect their agencies.

Officials from the **Office of State Public Defender (SPD)** did not respond to our request for fiscal impact. However, for a similar proposal from this session the SPD assumed existing staff could provide representation for those 75 to 100 cases arising where indigent persons were charged with the crime of domestic abuse more than two times on the same family. However, passage of more than one similar proposal would require the SPD to request increased appropriations to cover cumulative costs of representing the indigent accused in these cases where the penalty has been enhanced. The SPD provided representation in 6,038 assault cases in Fiscal Year 1999.

Officials from the **Office of State Courts Administrator (OSCA)** stated under the current law, there were 35,608 adult abuse petitions filed in FY 99. This proposal will increase the number of cases by an unknown factor. Almost all of these cases are filed pro se, and court clerks are required to assist parties in completing forms. This has been a very labor-intensive type case, and the proposal will increase the time required and the number of cases.

While it is not possible to estimate the increased volume of cases or the average increase in time on these cases, it is most likely increased state costs for court clerk time will exceed \$100,000 per year. This is based on an 1,800 hour/FTE year, and an average salary for the clerks handling these cases being \$21,000/year or higher, plus fringes.

Oversight cannot provide an estimate of the costs for new court clerks related to this proposal. As a result, the state costs will reflect an unknown amount to exceed \$100,000 annually for additional court clerks and expense and equipment items for the new staff.

Officials from the **Department of Public Safety - Missouri Highway Patrol (MHP)** did not respond to our request for fiscal impact. However, for a similar proposal from this session the MHP stated the manner of prescribed for entry of Orders of Protection would require procedures for entry and editing, modifying, reporting and deleting to be developed, tested, implemented, documented, and maintained. Based on this, the MHP's Information System Division would require one full-time Computer Information Technology Specialist (CITS) position (\$40,536). This position would require the standard office equipment. The costs were charged to the General Revenue Fund.

ASSUMPTION (continued)

The MHP's Criminal Records and Identification Division assumes there would be no fiscal impact to them because they see no need for a change in their existing process or any requirement for a new database.

Officials from the **Department of Corrections (DOC)** have not responded to Oversight's request for fiscal information nor have they provided a ten-year prison impact statement as required by Section 217.022 RSMo. However, **Oversight** assumes the proposal could result in more offenders being incarcerated or placed on probation. Additional costs for supervision and care by the DOC, although unknown, would likely exceed \$100,000 annually.

Officials from the **Office of Attorney General (AGO)** assume any additional responsibilities for the AGO could be absorbed with existing resources.

Officials from the **Jackson County Sheriff's Office** and **Kansas City Police Department** did not respond to our request for fiscal impact. Oversight will rely on the response from the St. Louis Metropolitan Police Department for local law enforcement fiscal impact.

Officials from the **St. Louis Metropolitan Police Department (STLMPD)** responded to a very similar proposal from this session and stated this legislation, if enacted, will fiscally impact their agency.

The STLMPD estimated that this proposal would result in housing more detainees. The STLMPD used total jail costs plus an indirect cost rate of 42% of that total to estimate a \$122 per day cost of housing prisoners. Jail costs reported by the STLMPD included:

Salaries and Benefits	\$3,971,358
Medical maintenance	\$ 450,000
Food/supplies	\$ 46,000
Sub-total	<u>\$4,467,358</u>
42% indirect rate	<u>\$1,876,290</u>
Total Jail Costs	<u>\$6,343,649</u>

Average cost per day \$17,380 for 52,000 prisoners or \$122 per day or \$5.08 per hour.

The STLMPD averages 7,000 domestic violence detainees a year. This proposal would add 1,750 more detainees resulting in costs of \$266,860.

ASSUMPTION (continued)

The STLMPD will also be fiscally impacted by a need to increase their Domestic Assault Response Team (DART). They anticipate needing 18 Police Officers and one Sargent with benefits and vehicle maintenance costs totaling \$1,859,746.

The STLMPD will also require an additional firearms examiner with costs totaling \$111,026.

The STLMPD would also require more Police Officers for new crime reporting requirements which totals \$914,424 each year.

The STLMPD reported that the total costs to their department relating to this proposal was \$3,152,056.

Oversight assumes that local governments that have jails or other detainment facilities may see an increase in costs related to an increase in persons detained in these facilities. The proposal may also require the local governments to hire additional police officers or deputy Sheriffs. Oversight cannot predict how this proposal will affect the various city police and county law enforcement agencies. Oversight assumes that these law enforcement agencies will find it necessary to hire additional personnel. Therefore, Oversight will reflect an unknown cost for local government funds for additional law enforcement personnel. These costs are expected to well exceed \$100,000 annually.

Uniform Crime Reporting and Establishment of a Death Review Panel

Officials from the **Department of Public Safety** did not respond to our request for fiscal impact. However, for a similar proposal from this session the DPS assumed the proposed legislation would have no fiscal impact on their agency.

Officials from the **Office of Secretary of State (SOS)** stated this proposal implements a statewide use of the uniform crime reporting system established by the FBI and impaneling of a death review panel for suspicious deaths as well as other changes relating to domestic violence. Based on experience with other divisions, the rules, regulations, and forms issued by the Department of Public Safety and the Department of Health could require as many as 44 pages in the Code of State Regulations at a cost of \$26.50 per page, and 22 new pages in the Missouri Register at a cost of \$22.50 per page. The actual fiscal impact would be dependent upon the actual rulemaking authority and may be more or less. Financial impact in subsequent fiscal years would depend entirely on the number, length, and frequency of the rules filed, amended, rescinded, or withdrawn. SOS does not anticipate the need for additional staff as a result of this proposal; however, the enactment of more than one similar proposal may, in the aggregate, necessitate additional staff.

ASSUMPTION (continued)

Oversight assumes the SOS could absorb the costs of printing and distributing regulations related to this proposal. If multiple bills pass which require the printing and distribution of regulations at substantial costs, the SOS could request funding through the appropriation process. Any decisions to raise fees to defray costs would likely be made in subsequent fiscal years.

Officials from the **Department of Health (DOH)** assume there are 3,600 non-natural cause deaths per year. Those 3,600 suspicious death forms will need to be analyzed and reports developed for review panels and the Director of Public Safety. DOH assumes it will require 1.0 FTE Research Analyst III and 1.0 FTE Clerk Typist II and the related office and equipment for each position to carry out the requirements of the proposal.

Officials from the **Department of Mental Health (DMH)** assume the only requirement for their agency under the proposal is to report applicable data from the DMH facilities. DMH assumes the data required will be within the scope of current collections, and the work associated with reporting will be minimal, and could be absorbed with existing staff.

Officials from the **Department of Social Services** did not respond to our request for fiscal impact. **Oversight** assumes any additional responsibilities associated with implementation of this proposal could be absorbed with existing resources.

Officials from the **Jefferson City Police Department (JCPD)** assumed for similar proposals from this session, the FBI is moving toward National Incident Based Reporting (NIBRS). JCPD assumes the reporting referred to in the legislation is the NIBRS program. JCPD uses data entry from a transcription system for the incident reports. Because their software is written and maintained by a private firm which no longer supports NIBRS on its programs, JCPD assumes that at a minimum, a program would need to be written to interface with the current software. If entry fields are not compatible, a sizable reprogramming or vendor change would be needed. Officer training in gathering proper information would be required. Due to increased reporting fields, the complexity of NIBRS reporting requirements, supervisor time for review of reports, and quality control for acceptable submissions, based on 24-hour shifts, JCPD would require 2.0 FTE Police Information Clerks (\$44,000) and .5 FTE Field Supervisor (\$35,000) plus related expense and equipment. JCPD assumes fringe benefits and regular cost of living increases average at 5% annually.

Oversight assumes other local law enforcement agencies could have similar impacts as a result of this proposal; therefore, Oversight has shown costs to Local Governments as unknown exceeding \$100,000.

ASSUMPTION (continued)

Officials from the **North Kansas City Hospital** and the **University of Missouri** assumed for similar proposal, they already do most of what is required by the proposed legislation and any additional costs would be negligible.

Testimonial Privilege

Officials from the **Office of State Courts Administrator, Department of Health, Office of Prosecution Services, and Kansas City Police Department** assume that this proposal will not fiscally affect their agencies.

Officials from the **Office of State Public Defender (SPD)** did not respond to our request for fiscal impact. However, for a similar proposal from this session the SPD assumed this legislative language would not fiscally impact their agency.

<u>FISCAL IMPACT - State Government</u>	FY 2001 (10 Mo.)	FY 2002	FY 2003
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GENERAL REVENUE FUND

Domestic Violence Changes

Costs - State Courts Administrator

Personal Service, Expense and Equipment for Court Clerks	Exceeds (\$100,000)	Exceeds (\$100,000)	Exceeds (\$100,000)
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Costs - Department of Public Safety -
Missouri Highway Patrol

Personal Service (1 FTE)	(\$34,625)	(\$42,588)	(\$43,653)
Fringe Benefits	(\$13,292)	(\$16,350)	(\$16,758)
Expense and Equipment	(\$3,727)	(\$690)	(\$692)
Total <u>Costs</u> - Missouri Highway Patrol	<u>(\$51,643)</u>	<u>(\$59,629)</u>	<u>(\$61,103)</u>

Costs - Department of Corrections

Increased Costs for Additional Prisoners or Probation Costs	Exceeds (\$100,000)	Exceeds (\$100,000)	Exceeds (\$100,000)
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<u>FISCAL IMPACT - State Government</u>	FY 2001 (10 Mo.)	FY 2002	FY 2003
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Crime Reporting and Review Panel

Costs - Department of Health

Personal Service (2 FTE)	(\$50,516)	(\$62,143)	(\$63,697)
Fringe Benefits	(\$15,534)	(\$19,109)	(\$19,587)
Expense and Equipment	(\$27,720)	(\$15,450)	(\$15,915)
Total <u>Costs</u> - Department of Health	(\$93,770)	(\$96,702)	(\$99,199)

**ESTIMATED EFFECT
 ON GENERAL
 REVENUE FUND**

Exceeds <u>(\$315,413)</u>	Exceeds <u>(\$356,331)</u>	Exceeds <u>(\$360,302)</u>
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<u>FISCAL IMPACT - Local Government</u>	FY 2001 (10 Mo.)	FY 2002	FY 2003
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LOCAL GOVERNMENT FUNDS

Domestic Violence Changes

Costs - Law Enforcement Departments

Additional Personal Service and Expense and Equipment and Jail/Detention Costs	Exceeds (\$100,000)	Exceeds (\$100,000)	Exceeds (\$100,000)
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Crime Reporting and Review Panel

Costs - Law Enforcement Departments

Additional Personnel and Programming Costs for Additional Reporting Requirements	Exceeds (\$100,000)	Exceeds (\$100,000)	Exceeds (\$100,000)
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**ESTIMATED EFFECT ON
 LOCAL GOVERNMENT FUNDS***

Exceeds <u>(\$200,000)</u>	Exceeds <u>(\$200,000)</u>	Exceeds <u>(\$200,000)</u>
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FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

DESCRIPTION

This proposal makes various changes to laws relating to domestic violence, crime reporting and the creation of a death review panel, and testimonial privileges and detention period changes for domestic violence actors. In its main provisions, the proposal:

- (1) Requires the Department of Public Safety to adopt the uniform crime reporting system established by the Federal Bureau of Investigation (FBI), to be participated in by all state, county, and municipal law enforcement agencies. Each agency will be responsible for producing reports that contain information concerning the number and nature of offenses committed in its jurisdiction. From this information, the department is required to prepare a compilation of statistics available to state governmental bodies and the FBI upon request;
- (2) Mandates that the prosecuting or circuit attorney of each county impanel a death review panel to investigate all suspicious deaths. The substitute establishes the makeup of the panel to include various legal, law enforcement, and health care professionals. A final report for each investigation must be issued to the departments of Social Services and Health, and the Department of Health is required to periodically prepare epidemiological reports based on the panel information;
- (3) Requires the Department of Social Services: (a) to provide protocols and guidelines for the death review panel; (b) to establish a special assistance team, which is to develop and provide training and assistance in the review and prosecution of suspicious deaths; (c) to appoint a State Death Review Panel, to meet biannually to provide oversight for the special assistance team; and (d) to submit an annual report to the Governor, the Speaker of the House, and the President Pro Tempore of the Senate that identifies systemic problems relating to the local death review panels;
- (4) Establishes a confidentiality privilege for paid or unpaid workers in a domestic violence shelter covering information received while acting in his or her capacity as a shelter worker. The person providing the information may waive the privilege in writing;
- (5) Changes the domestic violence insurance law by: (a) adding definitions for "innocent coinsured," "sole," and "stalking"; and (b) allowing an innocent coinsured victim to collect on an insurance policy if the innocent coinsured signs a sworn affidavit as to the cause of loss and pledges to cooperate in the criminal prosecution of the coinsured offender causing the loss;
- (6) Expands the definition of "family" or "household member" in the adult abuse law to include adults in past or present dating relationships or engagements;
- (7) Adds to the purposes for which ex parte or full orders of protection may be granted, restraining the respondent from communicating with the petitioner through any medium;

DESCRIPTION

- (8) Requires consent orders of protections to include a court finding of abuse;
- (9) Adds the medical expenses of domestic violence victims to the list of expenses courts can order offenders to pay in full orders of protection;
- (10) Expands the duty of local law enforcement to require a determination whether any criminal case is related to domestic violence and to report this information to the Highway Patrol. Current law only requires local law enforcement to determine whether homicides involving adult victims are related to domestic violence and to report this information to the Highway Patrol;
- (11) Requires all orders of protection to include the respondent's Social Security number;
- (12) Makes Federal Rules of Evidence Rule 803, the "excited utterance" hearsay exception, applicable in court proceedings involving domestic violence, even when the declarant is available as a witness;
- (13) Establishes the separate crimes of domestic assault in the first degree (a class A or B felony, depending upon the seriousness of the injury, domestic assault in the second degree, and domestic assault in the third degree;
- (14) Updates the harassment law to include communicating through any medium to reflect new technologies utilized by perpetrators.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

L.R. NO. 2859-03
BILL NO. HCS for HB 1677, 1675, and 1676
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SOURCES OF INFORMATION

Department of Insurance
Office of State Courts Administrator
Office of Prosecution Services
Office of State Public Defender
Department of Corrections
Office of Attorney General
Department of Public Safety - Missouri Highway Patrol
Department of Health
Department of Mental Health
Department of Social Services
Office of Secretary of State
St. Louis Metropolitan Police Department
Kansas City Police Department
Jefferson City Police Department
North Kansas City Hospital
University of Missouri

NOT RESPONDING: Jackson County Sheriff

A handwritten signature in black ink, appearing to read "Jeanne Jarrett". The signature is stylized with a large initial "J" and a cursive "Jarrett".

Jeanne Jarrett, CPA
Director
February 21, 2000